IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Criminal Misc. Application No. 701 of 2006

1. Smt. Geeta W/o Shri Bahadur
   R/o Village Tanda Jhiriyan
   P.S. Bhagwanpur
   District Haridwar
2. Bahadur S/o Shri Nakli Ram
   R/o Village- Tanda Jhiriyan
   Distrcit- Haridwar .....Applicant

Versus

1. State of Uttaranchal
2. Ist Addl. Civil Judge(J.D.)/
   Judicial Magistrat, Roorkee
   District Haridwar.
3. Sadhu Ram S/o Attar Singh
   R/o Village Lam Grant
   P.S. Bhagwanpur .....Respondents.

Shri Rajendra Singh, learned counsel for the applicant.
Learned Government Advocate, for respondents No. 1 and 2.

Hon'ble Prafulla C. Pant, J

Heard.

2. By means of this petition, moved under Section 482/483 of Code of Criminal Procedure, 1973 (for brevity herein after referred as Cr.P.C.), the petitioners have sought quashing of the criminal proceedings in criminal case No. 585 of 2006 State Vs. Nakli Singh and others, under Section 323, 306, 498A, 504 of Indian Penal Code, P.S. Bhagwanpur, District- Haridwar, pending before the court of Ist Additional Civil Judge (Junior Div.)/ Judicial Magistrate, Roorkee, District Haridwar.

3. It is argued that there is no reliable evidence against the applicants regarding offences, alleged to have been committed by them. In this connection, learned counsel for the applicants made reference to a few portion of statement recorded of the witnesses under Section 161 of Cr.P.C.

4. After going through the First Information Report and the Statements of the witnesses, recorded under Section 161 of Cr.P.C., it cannot be said that the offences, alleged are not made out or that no charge sheet could have been filed on the basis of evidence collected by the Investigating Officer. In its jurisdiction under Section 482 of Cr.P.C., this Court cannot weigh the correctness or sufficiency of the evidence, collected by the Investigating Officer. The points raised by the learned counsel for the applicants, as to their innocence in respect of the offences, alleged to have been committed by them, can be agitated before the trial court, during the trial.

5. The petition under Section 482 of Cr.P.C. is dismissed with the above observations, and that the applicant, if either of them has yet to surrender, if he/she surrenders before the trial court, his/her bail application, if moved, shall be disposed of by the trial court without unreasonable delay. (All pending applications in this case, stand disposed of).

(Prafulla C. Pant, J.)

Dt. 06.09.2006
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